

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**KEITH E. GUNTHER,**

**Plaintiff,**

**v.**

**ED CASTINETA, *et al.***

**Defendants.**

**Case No. 2:10-cv-997**

**Judge Peter C. Economus**

**ORDER**

This matter is before the Court for consideration of the June 5, 2014 Report and Recommendation of the Magistrate Judge. (Dkt. 33.) In light of a previous show cause order, the Magistrate Judge recommended that the Court dismiss without prejudice the claims against Defendant Officer Lucal for failure to obtain service under Federal Rule of Civil Procedure 4(m). Because Defendant Lucal is the only remaining defendant in this action, dismissal of the claims against him results in dismissal of the case.

The Report and Recommendation of the Magistrate Judge specifically advised the parties that failure to object to the Report and Recommendation within fourteen days results in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. On June 10, 2014, the Report and Recommendation was returned as undeliverable, the return envelope indicating that Plaintiff had been released. Plaintiff has not filed an alternative address for the Court to send correspondence. No objections have been filed, and the time period for filing objections has expired.

The Court reviewed the Report and Recommendation of the Magistrate Judge pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, Plaintiff's action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. The Clerk is **DIRECTED** to remove this action from the Court's pending case list.

**IT IS SO ORDERED.**

  
**UNITED STATES DISTRICT JUDGE**